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Paper No. 26

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OFFICE OF PETITIONS

In re Application of	:	
Bjarne Due Larsen	:	DECISION GRANTING
Application No. 09/341,590	:	PETITION
Filed: July 12, 1999	:	
Attorney Docket No. 55508 (45487)	:	

This is a decision on the paper styled "Petition To Accord Correspondence Filing Date..." filed September 4, 2001, requesting that the above-identified application be accorded a filing date of July 12, 1999, rather than the presently accorded filing date of July 13, 1999. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on July 12, 1999, pursuant to the requirements of 37 CFR 1.10. In support, applicants provide a copy of the receipt for Express Mail label No. EJ445393127US. The same Express Mail label number appears on the original application transmittal letter submitted with the present petition. It is noted that while the "date-in" on the copy of the Express Mail receipt is not legible, it includes a "Pelham Branch, New Rochelle PO" receipt stamp dated "July 12, 1999".

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on July 12, 1999.

The petition is granted. A corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 1653 to await a reply to the Office action mailed September 5, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

Sherry Brinkley

Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt